

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

8 ANGELO FERGUSON, }
9 Plaintiff, }
10 v. }
11 STATE OF NEVADA et al., }
12 Defendants. }
13 }

I. DISCUSSION

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
16 ("NDOC"), has filed an application to proceed *in forma pauperis* (ECF No. 1) but has not
17 filed a complaint in this matter.

18 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to
19 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
20 proceed *in forma pauperis* on this Court's approved form and attach both an inmate
21 account statement for the past six months and a properly executed financial certificate.
22 Plaintiff has not submitted a properly executed financial certificate or an inmate account
23 statement. (See ECF No. 1, 1-1). As such, the *in forma pauperis* application is denied
24 without prejudice. Plaintiff will be granted an opportunity to cure the deficiencies of his
25 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
26 action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*, he must
27 file a fully complete application to proceed *in forma pauperis*.

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1 Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by
2 filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff
3 thirty (30) days from the date of this order to submit a complaint to this Court.

4 **II. CONCLUSION**

5 For the foregoing reasons, **IT IS ORDERED** that Plaintiff’s application to proceed *in*
6 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court SHALL SEND Plaintiff the
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
9 document entitled information and instructions for filing an *in forma pauperis* application.

10 **IT IS FURTHER ORDERED** that within **thirty (30) days** from the date of this order,
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
12 the correct form with complete financial attachments in compliance with 28 U.S.C. §
13 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
14 fee and the \$50 administrative fee).

15 **IT IS FURTHER ORDERED** that Plaintiff shall submit a complaint to this Court
16 within **thirty (30) days** from the date of this order.

17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to Plaintiff the
18 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

19 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,
20 dismissal of this action may result.

21 DATED: November 7, 2017.

22 *Walter G. Cobb*
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25 United States Magistrate Judge
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